

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JOELLEN REVELLA,

Plaintiff,

-against-

KOHL'S DEPARTMENT STORES, INC.,

Defendant(s)  
-----X

Docket No.:

**NOTICE OF REMOVAL**

**WP4**

**Trial by Jury Demanded**

**07 CIV. 3692**

FILED  
U.S. DISTRICT COURT  
2007 MAY -9 P. 3: 11  
D. OF N.Y. W.P.

Defendant, KOHL'S DEPARTMENT STORES, INC., files this Notice of Removal and requests that removal be granted for the reasons set forth herein.

The defendant seeks removal pursuant 28 U.S.C. §1441(a). The matter sought to be removed now is pending in the Supreme Court of the State of New York, County of Orange. This Court would have original jurisdiction over this matter pursuant to 28 U.S.C. §1332. At the time of filing of the Complaint and at the time of filing this Notice of Removal; (1) the plaintiff was and is a resident and citizen of the State of New York; County of Orange and (2) the defendant, KOHL'S DEPARTMENT STORES, INC., is a Foreign Corporation with its headquarters in Wisconsin. According to the allegations in the plaintiff's Complaint, the amount in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs. Defendant's received a copy of the Summons and Complaint on or about April 23, 2007.

Copies of all papers received by the defendants in the State Court action are contained in Exhibit "A" annexed hereto.

Dated: Carle Place, New York  
May 7, 2007

Yours, etc.

STEVEN F. GOLDSTEIN, LLP

By: 

Steven F. Goldstein

Attorneys for Defendants

One Old Country Road, Suite 318

Carle Place, New York 11514

(516) 873-0011

TO: JACOBOWITZ AND GUBITS, LLP  
Attorneys for Plaintiff  
158 Orange Avenue,  
Post Office Box 367  
Walden, New York 12586  
(845) 778-2121

# EXHIBIT A

1629

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

Index **2007-1891**

Plaintiff designates

JOELLEN REVELLA,

Orange  
County as the place of trial

Plaintiff,

- against -

Venue is based on  
Defendant's place of  
business

KOHL'S DEPARTMENT STORES, INC.,

SUMMONS


Defendant.

TO THE ABOVE NAMED DEFENDANT:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: Walden, New York  
March 1, 2007

Yours, etc.,

  
JOSEPH J. RANNI, ESQ.  
JACOBOWITZ AND GUBITS, LLP  
Attorneys for Plaintiff  
158 Orange Avenue, P.O. Box 367  
Walden, New York 12586  
(845) 778-2121

TO: Kohl's Department Stores, Inc.  
1001 Montauk Highway  
Shirley, New York 11967

FILED  
ORANGE COUNTY CLERK  
2007 MAR -1 P 3:03

ORIGINAL FILED

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

2007-1891

-----x  
JOELLEN REVELLA,

Plaintiff,

COMPLAINT

-against-

Index No.:

KOHL'S DEPARTMENT STORES, INC.,

Defendants.  
-----x

JOELLEN REVELLA, by her attorneys, Jacobowitz & Gubits, LLP, complains against KOHL'S DEPARTMENT STORES, INC. (hereinafter "Kohl's" or "Defendants"), the Defendants, as follows:

- DK1
1. At all times hereinafter, Plaintiff JoEllen Revella (hereinafter "Revella" or "Plaintiff") resides at 22 Pleasant Avenue, Walden, New York 12586.
  - A
  2. Upon information and belief, Kohl's is a foreign corporation.
  - D
  3. Upon information and belief, Kohl's is a domestic corporation existing in accordance with the laws of the State of New York.
  - A
  4. Upon information and belief, Kohl's is authorized to do business in the State of New York.
  - A
  5. Upon information and belief, Kohl's is doing business in the State of New York.
  - A
  6. Upon information and belief, Kohl's is in the business of retail sales of consumer goods.
  - DK1
  7. In furtherance thereof, the Defendant employs individuals in various corporate marketing sales, clerical positions and management personnel.
  - A
  8. Kohl's operates a retail facility at 1001 Montauk Highway in the County of Suffolk, State of New York at which the Plaintiff was employed.
  - DK1
  9. Starting in or about the year 2002, Plaintiff was employed by the defendant as an Assistant Manager.
  - DK1
  10. Plaintiff gave notice of her intent to leave employment on January 12, 2004.
  11. As an Assistant Manager, Plaintiff performed her duties and responsibilities in a

D

satisfactory manner. Plaintiff did not suffer any material criticism or discipline during her employment with defendant nor did defendant ever seek plaintiff's separation, termination or request plaintiff's resignation.

12. After leaving Kohl's, the defendant falsely stated, or caused false information to be communicated, that Plaintiff had been terminated from employment as a result of the, "Unauthorized taking of merchandise in the amount of \$45.02" or words to that effect.

13. Such information was intentionally and knowingly communicated by Kohl's to the United States Merchandisers Association (USMA).

14. USMA is a trade organization utilized by the retail industry to provide reports and/or information about former employees for prospective employers.

15. At the time the information was uttered by the Defendant, such information was known to be false; that Defendant failed and/or refused to ascertain the truthfulness thereof through reasonable means; or otherwise constructively knew or should have known of the falsity of such communication.

16. Such utterances were published by Defendant with the knowledge that USMA would repeat and republish such false information to prospective employers of Plaintiff.

17. Defendant knew, either actually or constructively, that Plaintiff would be denied, deterred or terminated from employment as a result thereof.

18. Plaintiff thereafter sought employment and was denied such employment as a direct or consequential result of the false information uttered by Defendant.

19. On February 24, 2006, Plaintiff was denied and terminated from employment by "Linens-n-Things" as a result of Defendant's conduct.

20. On or about March 28, 2006, Plaintiff learned of and disputed the false, slanderous and libelous information uttered and published by Defendant.

21. Defendant thereafter acknowledged the falsity of said information and issued a retraction thereof.

**AS AND FOR THE FIRST CAUSE OF ACTION**

22. Defendants statements were defamatory and slanderous per se.

23. That as a result thereof, Plaintiff is entitled to damages in the amount of \$450,000.00. compensatory damages, treble damages, punitive/liquidated damages, interest from the date due, attorneys fees, costs and disbursements and such other relief to which she may be entitled.

**AS AND FOR THE SECOND CAUSE OF ACTION**

24. Plaintiff repeats and reiterates all preceding paragraphs as though fully set forth herein.

25. Defendants statements were libelous per se.

26. Wherefore, Plaintiff is entitled to relief in an amount of \$450,000.00 and is entitled to damages including, but not limited to compensatory damages, expectation damages, punitive damages, costs and disbursements and such other remedy to which Plaintiff may be entitled.

**AS AND FOR THE THIRD CAUSE OF ACTION**

27. Plaintiff repeats and reiterates all preceding paragraphs as though fully set forth herein.

28. That Defendant negligently disseminated false information it knew or should have known was false.

29. That as a result thereof, Plaintiff is entitled to relief in the amount of \$450,000.00, compensatory damages, interest from the date due, costs and such other relief as she may be entitled.

**AS AND FOR THE FOURTH CAUSE OF ACTION**

30. Plaintiff repeats and reiterates all preceding paragraphs as though fully set forth herein.

31. Defendants' conduct amounts to the infliction of intentional emotional distress upon Plaintiff.

32. That as a result thereof, Plaintiff is entitled to relief in the amount of \$450,000.00, compensatory damages, liquidated damages, interest from the date due, fees, costs and disbursements and such other relief as she may be entitled.

**AS AND FOR THE FIFTH CAUSE OF ACTION**

33. Plaintiff repeats and reiterates all preceding paragraphs as though fully set forth herein.

34. That as a result of Defendant's conduct, Plaintiff is entitled to equitable remedies.

35. That as a result thereof, Plaintiff is entitled to relief in the amount of \$450,000.00, compensatory damages, quantum meruit, interest from the date due, attorneys fees, costs and disbursements and such other equitable relief as she may be entitled.

**JURY DEMAND**

36. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff demands judgment against Defendants for the damages sought by Plaintiff; for fees incurred in the prosecution of this action; and for such further relief the Court deems just and proper.

Dated: Walden, New York  
March 1, 2007

JACOBOWITZ & GUBITS, LLP

By: Joseph J. Rami, Esq.  
Attorneys for Plaintiff  
158 Orange Avenue, P.O. Box 367  
Walden, New York 12586  
(845) 778-2121



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
JOELLEN REVELLA,

Plaintiff,

**VERIFICATION**

-against-

KOHL'S DEPARTMENT STORES, INC.,

Index No.:

Defendant.  
-----X

STATE OF NEW YORK

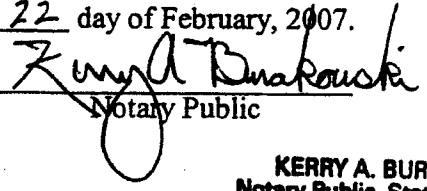
COUNTY OF ORANGE

}  
} SS.:  
}

JOELLEN REVELLA, being duly sworn, deposes and says that he is the Plaintiff herein residing in Walden, New York and states that she has read the annexed Complaint, knows the contents thereof and the same is true to her knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters she believes them to be true. Her belief, as to those matters therein not stated upon knowledge, is based upon the files maintained by JACOBOWITZ & GUBITS, LLP

  
JOELLEN REVELLA

Sworn to before me this  
22 day of February, 2007.

  
Notary Public

KERRY A. BURAKOWSKI  
Notary Public, State of New York  
Residing in County of Orange  
No. 01BU5014217 2007  
Commission Expires July 15, 2007

Index No.

Year

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

JOELLEN REVELLA,

Plaintiff,

- against -

KOHL'S DEPARTMENT STORES, INC.,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

JACOBOWITZ AND GUBITS

Attorneys for Plaintiff

158 ORANGE AVENUE - P.O. BOX 367

WALDEN, NEW YORK 12586

(845) 778-2121

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.

Dated: \_\_\_\_\_

Signature.....

Print Signer's Name \_\_\_\_\_

Service of a copy of the within

is hereby admitted.

Dated: \_\_\_\_\_

Attorney(s) for \_\_\_\_\_

PLEASE TAKE NOTICE

[ ] that the within is a true copy of a  
NOTICE OF entered in the office of the clerk of the within named Court on

[ ] that an Order of which the within is a true copy will be presented for settlement to the Hon.  
NOTICE OF one of the judges of the within named Court,

SETTLEMENT at  
on

200, at M.

Dated: \_\_\_\_\_

JACOBOWITZ AND GUBITS

Attorneys for Plaintiff

158 ORANGE AVENUE - P.O. BOX 367

WALDEN, NEW YORK 12586

To: \_\_\_\_\_

Attorney(s) for \_\_\_\_\_

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK       )  
  ) SS.:  
COUNTY OF NASSAU       )

DEBRA BARBINE, being duly sworn, deposes and says:

That deponent is not a party to the action, is over 18 years of age, and resides in New York.

That on the 7<sup>th</sup> day of May 2007 deponent served the within **NOTICE OF REMOVAL**  
upon:

TO: JACOBOWITZ AND GUBITS, LLP  
Attorneys for Plaintiff  
158 Orange Avenue,  
Post Office Box 367  
Walden, New York 12586  
(845) 778-2121

The addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Sworn to before me this  
7 day of May 2007

  
DEBRA BARBINE

  
\_\_\_\_\_  
Notary Public

JOSEPH A. GOLDSTEIN  
Notary Public, State of New York  
No. 4669099  
Qualified In Nassau County  
Commission Expires July 28, 2010